

MESSAGE NO: 3298312 MESSAGE DATE: 10/25/2013

MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐  
SUB-TYPE: CTDIS-Court ORD Dissolved

FR CITE: FR CITE DATE:

REFERENCE 1117303, 1164301  
MESSAGE #  
(s):

CASE #(s): A-570-916

EFFECTIVE DATE: 09/23/2013 COURT CASE #: 11-00101

PERIOD OF REVIEW: 01/31/2008 TO 07/31/2009

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 10/25/2013

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Liquidation instructions for laminated woven sacks from People's Republic of China exported by Zibo Aifudi Plastic Packaging Co., Ltd. for the period 01/31/2008 through 07/31/2009 (A-570-916, et al)

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 4 below.

1. On 06/24/2013, the Court of Appeals for the Federal Circuit issued a final decision in the case of AMS Associates, Inc., d/b/a Shapiro Packaging v. United States (court no. 2012-1688). As a result of this decision, the injunction issued in the underlying U.S Court of International Trade case (AMS Associates, Inc., d/b/a Shapiro Packaging v. United States (court no. 11-00101)) to which messages 1117303 and 1164301 refer enjoining liquidation of entries which are subject to the antidumping duty order on laminated woven sacks from the People's Republic of China for the period 01/31/2008 through 07/31/2009 exported by Zibo Aifudi Plastic Packaging Co., Ltd. dissolved on 09/23/2013.

2. For all shipments of laminated woven sacks from the People's Republic of China exported by Zibo Aifudi Plastic Packaging Co., Ltd., imported by or sold to (as indicated on the commercial invoice or Customs documentation) the firm listed below, and entered, or withdrawn from warehouse, for consumption during the period 01/31/2008 through 07/31/2009, assess an antidumping liability equal to the percentages listed below of the entered value:

Importer or customer: AMS Associates, Inc. d/b/a Shapiro Packaging

Final rate: 91.73%

Entries of such merchandise may have entered under A-570-916-002 or A-570-916-000, A-535-901-002 or A-535-901-000, A-533-850-002 or A-533-850-000, A-583-846-002 or A-583-846-000, A-580-863-002 or A-580-863-000, A-552-807-002 or A-552-807-000, A-582-804-002 or A-582-804-000, A-463-504-002 or A-463-000.

3. If a bond or cash deposit was collected as security for an estimated antidumping duty for any shipment of merchandise described in paragraph 2 that was entered, or withdrawn from

warehouse, for consumption during the period 01/31/2008 through 07/28/2008, assess antidumping liabilities equal to the amount resulting from application of paragraph 2 or equal to the amount of the bond or cash deposit, whichever is less.

4. These instructions constitute notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraph 2. Accordingly, notice of the lifting of suspension occurred on the message date of these instructions. Unless instructed otherwise, for all other shipments of laminated woven sacks from the People's Republic of China you shall continue to collect cash deposits of estimated antidumping duties for the merchandise at the current rates.

5. Separate liquidation instructions will follow for entries of merchandise produced by Zibo Aifudi Plastic Packaging Co., Ltd., entered, or withdrawn from warehouse, for consumption during the period 01/31/2008 through 07/31/2009, entered under case numbers A-570-916, A-535-901, A-533-850, A-583-846, A-580-863, A-552-807, A-582-804, A-463-504, and not covered by paragraph 2.

6. There are no other injunctions applicable to the entries covered by this instruction.

7. The assessment of antidumping duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated antidumping duties. The interest provisions are not applicable to cash or bonds posted as estimated antidumping duties before the date of publication of the antidumping duty order. Interest shall be calculated from the date payment of estimated antidumping duties is required through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.

8. Upon assessment of antidumping duties, CBP shall require that the importer provide a reimbursement statement, as described in section 351.402(f)(2) of commerce's regulations. The importer should provide the reimbursement statement prior to liquidation of the entry. If the importer certifies that it has an agreement with the producer, seller, or exporter, to be reimbursed antidumping and/or countervailing duties, CBP shall double the antidumping duty and/or increase the antidumping duty by the amount of the countervailing duties in accordance with the above-referenced regulation. Additionally, if the importer does not provide the reimbursement statement prior to liquidation, reimbursement shall be presumed and CBP shall double the antidumping duties due. If an importer timely files a protest challenging the presumption of reimbursement and doubling of duties, consistent with CBP's protest process, CBP may accept the reimbursement

statement filed with the protest to rebut the presumption of reimbursement.

9. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by O5:IG.)

10. There are no restrictions on the release of this information.

Michael B. Walsh

## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party